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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,503

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Roger Fransson

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HARNESSE, DICKEY & PIERCE, P.L.C.

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EXAMINER

WALDBAUM, SAMUEL A

ART UNIT

PAPER NUMBER

1792

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/516,503	<b>Applicant(s)</b> FRANSSON, ROGER	
	<b>Examiner</b> Samuel A. Waldbaum	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/02/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

*Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milocco et al (U.S. 5,829,459, hereafter '459) in view of Archer et al (U.S. 5,660,193, hereafter '193) and Nogi et al (U.S. 4,641,671, hereafter '671).*

3. Claims 1 and 3: '459 teaches a dishwasher (figure) a dishwashing container (part 2) where the dishwashing container is in communication with the dishwashing chamber (fig., where the top of the container is open to the compartment), with a recirculation rinse tank (part 6, which receives liquid from the dishwashing container) a collecting means (fig. the bottom of the washing compartment is the sloped/inclined collection plate) with an outlet for the dishwashing container (fig). '459 does not teach that multiple containers are located below the washing chamber. '193 is a dishwasher. '193 teaches multiple tanks being stored under the dishwashing

compartment (fig. 1, parts 9, 5 and 10). All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention, meaning that the container can be stored under the wash compartment as taught by '193 in apparatus '459 to yield the predictable result of housing the recirculation rinse containers under the wash compartment.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have placed the recirculation rinse container under the wash compartment, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

'459 in view of '193 does not teach a rinse tank and does not teach that there are two outlets located in the collecting means. '671 is a dishwasher. '671 teaches a rinse tank (part 13) and that dishwashing container can have multiple outlets (fig. 3, parts 12a and part 35). All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention, meaning that the dishwasher can have a rinse tank and that the dishwashing container can have multiple outlets as taught by '671 in apparatus '459 in view of '193 to yield the predictable results of having a container for rinse fluid and to have multiple outlets for draining the dishwashing container.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have moved the recirculation rinse chamber inlet and directly connected it

to the wash chamber instead of connecting it to the dishwashing container, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Thereby two outlets are created in the collecting plate of apparatus `456, one being the dishwashing container (`456, part 2), and the second outlet being the recirculation rinse chamber (`456, part 6, for the rinse chamber, where `671 teaches multiple outlets in a container, where rearranging the recirculation chamber, as seen above, would mover the second outlet from the dishwashing container to the collection plate of apparatus `456).

***Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milocco et al (U.S. 5,829,459) in view of Archer et al (U.S. 5,660,193) and Nogi et al (U.S. 4,641,671) as applied to claim 1 above, further in view of and Mercer (U.S. 3,989,054, hereafter `054) and Becker (U.S. 5,992,954, hereafter `954).***

`459, `193 and `671 teach all the limitations of claim 1 above.

4. Claim 2: See claim 1 above. `456 teaches a spraying means (fig. part 17). `459, `193 and `671 does not teach a frame projecting upwards from the dishwashing chamber and does not teach that the second hole is located opposite the first hole. `054 is a dishwasher. `054 teaches that the dishwashing container can have a upper projecting frame (figs. 1-3, parts 146 and 150) where the frame is used to attach a cover for the dishwashing container (fig. 1-3, col. 4 lines 30 - 69). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have put a frame projecting upwards from the dishwashing container as taught by `054 in apparatus `459 in view of `193 and `671 to have used the frame to attach a cover for the dishwashing container.

`456 in view of `193 and `671 and `054 does not teach that the two outlets are opposite of each other. `954 is a dishwasher. `954 teaches that two outlets can be opposite from each other (fig. 4, shows two outlets in the collection plate, the bottom, with one outlet in the center and one off to the side). All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention, meaning that one outlet can be opposite of the second outlet as taught by `954 in apparatus `456 in view of `193 and `671 and `054 to have yield the predictable result of having the outlets for the dishwashing container and the recycling rinse container to be opposite from each other.

5. Claims 4 and 5: `456 teaches channels for directing fluid to certain locations (figure, the changer is the sloped bottom directing the fluid into the dishwashing container), and that the recycling rinsing container is filled to a certain level before the liquid is directed else where for use (col. 2, line 1-col. 4, line 15). `456 teaches that the sprayer (part 14) is located in part above the dishwashing container (figure) and in part over the collection plate (figure) where a channel is created to directed the fluid landing on the plate to the dishwashing container (the channel is the sloped bottom of the tub, where the slope is inclined towards the dishwashing container, thus directing the fluid to the container.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A. Waldbaum whose telephone number is 571-270-1860. The examiner can normally be reached on M-TR 6:20-3:50, F 6:30-10:30 est.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

saw

/FRANKIE L. STINSON/  
Primary Examiner  
GROUP ART UNIT 1792